

106TH CONGRESS
1ST SESSION

S. 323

AN ACT

To redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Black Canyon of the
5 Gunnison National Park and Gunnison Gorge National
6 Conservation Area Act of 1999”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Black Canyon of the Gunnison National
4 Monument was established for the preservation of its
5 spectacular gorges and additional features of scenic,
6 scientific, and educational interest;

7 (2) the Black Canyon of the Gunnison and ad-
8 jacent upland include a variety of unique ecological,
9 geological, scenic, historical, and wildlife components
10 enhanced by the serenity and rural western setting
11 of the area;

12 (3) the Black Canyon of the Gunnison and ad-
13 jacent land provide extensive opportunities for edu-
14 cational and recreational activities, and are publicly
15 used for hiking, camping, and fishing, and for wil-
16 derness value, including solitude;

17 (4) adjacent public land downstream of the
18 Black Canyon of the Gunnison National Monument
19 has wilderness value and offers unique geological,
20 paleontological, scientific, educational, and rec-
21 reational resources;

22 (5) public land adjacent to the Black Canyon of
23 the Gunnison National Monument contributes to the
24 protection of the wildlife, viewshed, and scenic quali-
25 ties of the Black Canyon;

1 (6) some private land adjacent to the Black
2 Canyon of the Gunnison National Monument has ex-
3 ceptional natural and scenic value that would be
4 threatened by future development pressures;

5 (7) the benefits of designating public and pri-
6 vate land surrounding the national monument as a
7 national park include greater long-term protection of
8 the resources and expanded visitor use opportunities;
9 and

10 (8) land in and adjacent to the Black Canyon
11 of the Gunnison Gorge is—

12 (A) recognized for offering exceptional
13 multiple use opportunities;

14 (B) recognized for offering natural, cul-
15 tural, scenic, wilderness, and recreational re-
16 sources; and

17 (C) worthy of additional protection as a
18 national conservation area, and with respect to
19 the Gunnison Gorge itself, as a component of
20 the national wilderness system.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) CONSERVATION AREA.—The term “Con-
24 servation Area” means the Gunnison Gorge National
25 Conservation Area, consisting of approximately

1 57,725 acres surrounding the Gunnison Gorge as
2 depicted on the Map.

3 (2) MAP.—The term “Map” means the map en-
4 titled “Black Canyon of the Gunnison National Park
5 and Gunnison Gorge NCA—1/22/99”. The map
6 shall be on file and available for public inspection in
7 the offices of the Department of the Interior.

8 (3) PARK.—The term “Park” means the Black
9 Canyon of the Gunnison National Park established
10 under section 4 and depicted on the Map.

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 **SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUN-**
14 **NISON NATIONAL PARK.**

15 (a) ESTABLISHMENT.—There is hereby established
16 the Black Canyon of the Gunnison National Park in the
17 State of Colorado as generally depicted on the map identi-
18 fied in section 3. The Black Canyon of the Gunnison Na-
19 tional Monument is hereby abolished as such, the lands
20 and interests therein are incorporated within and made
21 part of the new Black Canyon of the Gunnison National
22 Park, and any funds available for purposes of the monu-
23 ment shall be available for purposes of the park.

24 (b) ADMINISTRATION.—Upon enactment of this title,
25 the Secretary shall transfer the lands under the jurisdic-

tion of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

1 (d) WITHDRAWAL.—Subject to valid existing rights,
2 all Federal lands within the park are hereby withdrawn
3 from all forms of entry, appropriation, or disposal under
4 the public land laws; from location, entry, and patent
5 under the mining laws; and from disposition under all laws
6 relating to mineral and geothermal leasing, and all amend-
7 ments thereto.

8 (e) GRAZING.—(1)(A) Consistent with the require-
9 ments of this subsection, including the limitation in para-
10 graph (3), the Secretary shall allow the grazing of live-
11 stock within the park to continue where authorized under
12 permits or leases in existence as of the date of enactment
13 of this Act. Grazing shall be at no more than the current
14 level, and subject to applicable laws and National Park
15 Service regulations.

16 (B) Nothing in this subsection shall be construed as
17 extending grazing privileges for any party or their as-
18 signee in any area of the park where, prior to the date
19 of enactment of this Act, such use was scheduled to expire
20 according to the terms of a settlement by the U.S. Claims
21 Court affecting property incorporated into the boundary
22 of the Black Canyon of the Gunnison National Monument.

23 (C) Nothing in this subsection shall prohibit the Sec-
24 retary from accepting the voluntary termination of leases
25 or permits for grazing within the park.

1 (2) Within areas of the park designated as wilder-
 2 ness, the grazing of livestock, where authorized under per-
 3 mits in existence as of the date of enactment of this Act,
 4 shall be permitted to continue subject to such reasonable
 5 regulations, policies, and practices as the Secretary deems
 6 necessary, consistent with this Act, the Wilderness Act,
 7 and other applicable laws and National Park Service regu-
 8 lations.

9 (3) With respect to the grazing permits and leases
 10 referenced in this subsection, the Secretary shall allow
 11 grazing to continue, subject to periodic renewal, for a pe-
 12 riod equal to the lifetime of the holder of the grazing per-
 13 mit or lease as of the date of enactment of this Act.

14 **SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUND-**
 15 **ARY ADJUSTMENTS.**

16 (a) ADDITIONAL ACQUISITIONS.—

17 (1) IN GENERAL.—The Secretary may acquire
 18 land or interests in land depicted on the Map as pro-
 19 posed additions.

20 (2) METHOD OF ACQUISITION.—

21 (A) IN GENERAL.—Land or interests in
 22 land may be acquired by—

23 (i) donation;

24 (ii) transfer;

1 (iii) purchase with donated or appro-
 2 priated funds; or

3 (iv) exchange.

4 (B) CONSENT.—No land or interest in
 5 land may be acquired without the consent of
 6 the owner of the land.

7 (b) BOUNDARY REVISION.—After acquiring land for
 8 the Park, the Secretary shall—

9 (1) revise the boundary of the Park to include
 10 newly-acquired land within the boundary; and

11 (2) administer newly-acquired land subject to
 12 applicable laws (including regulations).

13 (c) BOUNDARY SURVEY.—As soon as practicable and
 14 subject to the availability of funds the Secretary shall com-
 15 plete an official boundary survey of the Park.

16 (d) HUNTING ON PRIVATELY OWNED LANDS.—

17 (1) IN GENERAL.—The Secretary may permit
 18 hunting on privately owned land added to the Park
 19 under this Act, subject to limitations, conditions, or
 20 regulations that may be prescribed by the Secretary.

21 (2) TERMINATION OF AUTHORITY.—On the
 22 date that the Secretary acquires fee ownership of
 23 any privately owned land added to the Park under
 24 this Act, the authority under paragraph (1) shall

1 terminate with respect to the privately owned land
2 acquired.

3 **SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNI-**
4 **SON WILDERNESS.**

5 (a) EXPANSION OF BLACK CANYON OF THE GUNNI-
6 SON WILDERNESS.—The Black Canyon of the Gunnison
7 Wilderness, as established by subsection (b) of the first
8 section of Public Law 94–567 (90 Stat. 2692), is ex-
9 panded to include the parcel of land depicted on the Map
10 as “Tract A” and consisting of approximately 4,419 acres.

11 (b) ADMINISTRATION.—The Black Canyon of the
12 Gunnison Wilderness shall be administered as a compo-
13 nent of the Park.

14 **SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NA-**
15 **TIONAL CONSERVATION AREA.**

16 (a) IN GENERAL.—There is established the Gunnison
17 Gorge National Conservation Area, consisting of approxi-
18 mately 57,725 acres as generally depicted on the Map.

19 (b) MANAGEMENT OF CONSERVATION AREA.—The
20 Secretary, acting through the Director of the Bureau of
21 Land Management, shall manage the Conservation Area
22 to protect the resources of the Conservation Area in ac-
23 cordance with—

24 (1) this Act;

1 (2) the Federal Land Policy and Management
2 Act of 1976 (43 U.S.C. 1701 et seq.); and

3 (3) other applicable provisions of law.

4 (c) WITHDRAWAL.—Subject to valid existing rights,
5 all Federal lands within the Conservation Area are hereby
6 withdrawn from all forms of entry, appropriation or dis-
7 posal under the public land laws; from location, entry, and
8 patent under the mining laws; and from disposition under
9 all laws relating to mineral and geothermal leasing, and
10 all amendments thereto.

11 (d) HUNTING, TRAPPING AND FISHING.—

12 (1) IN GENERAL.—The Secretary shall permit
13 hunting, trapping, and fishing within the Conserva-
14 tion Area in accordance with applicable laws (includ-
15 ing regulations) of the United States and the State
16 of Colorado.

17 (2) EXCEPTION.—The Secretary, after con-
18 sultation with the Colorado Division of Wildlife, may
19 issue regulations designating zones where and estab-
20 lishing periods when no hunting or trapping shall be
21 permitted for reasons concerning—

22 (A) public safety;

23 (B) administration; or

24 (C) public use and enjoyment.

1 (e) USE OF MOTORIZED VEHICLES.—In addition to
2 the use of motorized vehicles on established roadways, the
3 use of motorized vehicles in the Conservation Area shall
4 be allowed—

5 (1) to the extent the use is compatible with off-
6 highway vehicle designations as described in the
7 management plan in effect on the date of enactment
8 of this Act; or

9 (2) to the extent the use is practicable under a
10 management plan prepared under this Act.

11 (f) CONSERVATION AREA MANAGEMENT PLAN.—

12 (1) IN GENERAL.—Not later than 4 years after
13 the date of enactment of this Act, the Secretary
14 shall—

15 (A) develop a comprehensive plan for the
16 long-range protection and management of the
17 Conservation Area; and

18 (B) transmit the plan to—

19 (i) the Committee on Energy and
20 Natural Resources of the Senate; and

21 (ii) the Committee on Resources of
22 the House of Representatives.

23 (2) CONTENTS OF PLAN.—The plan—

1 (A) shall describe the appropriate uses and
2 management of the Conservation Area in ac-
3 cordance with this Act;

4 (B) may incorporate appropriate decisions
5 contained in any management or activity plan
6 for the area completed prior to the date of en-
7 actment of this Act;

8 (C) may incorporate appropriate wildlife
9 habitat management plans or other plans pre-
10 pared for the land within or adjacent to the
11 Conservation Area prior to the date of enact-
12 ment of this Act;

13 (D) shall be prepared in close consultation
14 with appropriate Federal, State, county, and
15 local agencies; and

16 (E) may use information developed prior to
17 the date of enactment of this Act in studies of
18 the land within or adjacent to the Conservation
19 Area.

20 (g) BOUNDARY REVISIONS.—The Secretary may
21 make revisions to the boundary of the Conservation Area
22 following acquisition of land necessary to accomplish the
23 purposes for which the Conservation Area was designated.

1 **SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CON-**
2 **SERVATION AREA.**

3 (a) GUNNISON GORGE WILDERNESS.—

4 (1) IN GENERAL.—Within the Conservation
5 Area, there is designated as wilderness, and as a
6 component of the National Wilderness Preservation
7 System, the Gunnison Gorge Wilderness, consisting
8 of approximately 17,700 acres, as generally depicted
9 on the Map.

10 (2) ADMINISTRATION.—

11 (A) WILDERNESS STUDY AREA EXEMP-
12 TION.—The approximately 300-acre portion of
13 the wilderness study area depicted on the Map
14 for release from section 603 of the Federal
15 Land Policy and Management Act of 1976 (43
16 U.S.C. 1782) shall not be subject to section
17 603(c) of that Act.

18 (B) INCORPORATION INTO NATIONAL CON-
19 SERVATION AREA.—The portion of the wilder-
20 ness study area described in subparagraph (A)
21 shall be incorporated into the Conservation
22 Area.

23 (b) ADMINISTRATION.—Subject to valid rights in ex-
24 istence on the date of enactment of this Act, the wilder-
25 ness areas designated under this Act shall be administered
26 by the Secretary in accordance with the Wilderness Act

1 (16 U.S.C. 1131 et seq.) except that any reference in such
2 provisions to the effective date of the Wilderness Act shall
3 be deemed to be a reference to the effective date of this
4 Act and any reference to the Secretary of Agriculture shall
5 be deemed to be a reference to the Secretary of the Inte-
6 rior.

7 (c) STATE RESPONSIBILITY.—As provided in section
8 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
9 nothing in this Act or in the Wilderness Act shall affect
10 the jurisdiction or responsibilities of the State of Colorado
11 with respect to wildlife and fish on the public land located
12 in that State.

13 (d) MAPS AND LEGAL DESCRIPTIONS.—As soon as
14 practicable after the date of enactment of this section, the
15 Secretary of the Interior shall file a map and a legal de-
16 scription of the Gunnison Gorge Wilderness with the Com-
17 mittee on Energy and Natural Resources of the United
18 States Senate and the Committee on Resources of the
19 United States House of Representatives. This map and
20 description shall have the same force and effect as if in-
21 cluded in this Act. The Secretary of the Interior may cor-
22 rect clerical and typographical errors in the map and legal
23 description. The map and legal description shall be on file
24 and available in the office of the Director of the BLM.

1 **SEC. 9. WITHDRAWAL.**

2 Subject to valid existing rights, the Federal lands
3 identified on the Map as “BLM Withdrawal (Tract B)”
4 (comprising approximately 1,154 acres) are hereby with-
5 drawn from all forms of entry, appropriation or disposal
6 under the public land laws; from location, entry, and pat-
7 ent under the mining laws; and from disposition under all
8 laws relating to mineral and geothermal leasing, and all
9 amendments thereto.

10 **SEC. 10. WATER RIGHTS.**

11 (a) EFFECT ON WATER RIGHTS.—Nothing in this
12 Act shall—

13 (1) constitute an express or implied reservation
14 of water for any purpose; or

15 (2) affect any water rights in existence prior to
16 the date of enactment of this Act, including any
17 water rights held by the United States.

18 (b) ADDITIONAL WATER RIGHTS.—Any new water
19 right that the Secretary determines is necessary for the
20 purposes of this Act shall be established in accordance
21 with the procedural and substantive requirements of the
22 laws of the State of Colorado.

23 **SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO**
24 **CURECANTI NATIONAL RECREATION AREA.**

25 (a) IN GENERAL.—Not later than 3 years after the
26 date of enactment of this Act, the Secretary, acting

1 through the Director of the National Park Service, shall
2 conduct a study concerning land protection and open space
3 within and adjacent to the area administered as the
4 Curecanti National Recreation Area.

5 (b) PURPOSE OF STUDY.—The study required to be
6 completed under subsection (a) shall—

7 (1) assess the natural, cultural, recreational
8 and scenic resource value and character of the land
9 within and surrounding the Curecanti National
10 Recreation Area (including open vistas, wildlife habi-
11 tat, and other public benefits);

12 (2) identify practicable alternatives that protect
13 the resource value and character of the land within
14 and surrounding the Curecanti National Recreation
15 Area;

16 (3) recommend a variety of economically fea-
17 sible and viable tools to achieve the purposes de-
18 scribed in paragraphs (1) and (2); and

19 (4) estimate the costs of implementing the ap-
20 proaches recommended by the study.

21 (c) SUBMISSION OF REPORT.—Not later than 3 years
22 from the date of enactment of this Act, the Secretary shall
23 submit a report to Congress that—

24 (1) contains the findings of the study required
25 by subsection (a);

1 (2) makes recommendations to Congress with
 2 respect to the findings of the study required by sub-
 3 section (a); and

4 (3) makes recommendations to Congress re-
 5 garding action that may be taken with respect to the
 6 land described in the report.

7 (d) ACQUISITION OF ADDITIONAL LAND AND INTER-
 8 ESTS IN LAND.—

9 (1) IN GENERAL.—Prior to the completion of
 10 the study required by subsection (a), the Secretary
 11 may acquire certain private land or interests in land
 12 as depicted on the Map entitled ‘Proposed Additions
 13 to the Curecanti National Recreation Area,’ dated
 14 01/25/99, totaling approximately 1,065 acres and
 15 entitled ‘Hall and Fitti properties’.

16 (2) METHOD OF ACQUISITION.—

17 (A) IN GENERAL.—Land or an interest in
 18 land under paragraph (1) may be acquired by—

19 (i) donation;

20 (ii) purchase with donated or appro-
 21 priated funds; or

22 (iii) exchange.

23 (B) CONSENT.—No land or interest in
 24 land may be acquired without the consent of
 25 the owner of the land.

1 (C) BOUNDARY REVISIONS FOLLOWING AC-
2 QUISTION.—Following the acquisition of land
3 under paragraph (1), the Secretary shall—

4 (i) revise the boundary of the
5 Curecanti National Recreation Area to in-
6 clude newly-acquired land; and

7 (ii) administer newly-acquired land ac-
8 cording to applicable laws (including regu-
9 lations).

10 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as are necessary to carry out this Act.

Passed the Senate July 1, 1999.

Attest:

Secretary.

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To redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.